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**CPL (Linwood) LLC d/b/a Linwood Care Center and its Successor, 201 New Road Operations, LLC d/b/a Linwood CARE Center<sup>1</sup> and 1199 SEIU United Healthcare Workers East.** Case 04–RM–145463

January 23, 2017

**DECISION ON REVIEW AND ORDER**

BY CHAIRMAN PEARCE AND MEMBERS MISCIMARRA  
AND MCFERRAN

On February 17, 2016, the National Labor Relations Board issued an Order denying CPL (Linwood) LLC d/b/a Linwood Care Center’s (“the Employer”) request for review of the Regional Director’s dismissal of the instant petition. Thereafter, in accordance with Section 102.48(d)(1) of the Board’s Rules and Regulations, the Employer filed a timely motion for reconsideration, requesting that we vacate the dismissal and remand for a causation hearing under *Saint Gobain Abrasives, Inc.*, 342 NLRB 434 (2004). The Employer subsequently filed a request to supplement nunc pro tunc its motion for reconsideration and a request for reconsideration of the Board’s June 3, 2016 denial of its request to supplement nunc pro tunc. The Employer’s motion for reconsideration of the Order denying review and request for reconsideration of the Order denying its request to supplement are granted. After careful consideration, we find that dismissal of the petition is warranted.

A Regional Director may be required to hold a *Saint Gobain* hearing when dismissing a petition based on charges that raise an issue of a causal relationship between the unfair labor practices and an incumbent union’s subsequent loss of majority support. See *Saint Gobain*, 342 NLRB at 434; NLRB Casehandling Manual Part Two (CHM) Section 11730.3(c). Here, by contrast, the charges challenge the circumstances surrounding the petition and directly affect the petition and no causation hearing is required. See CHM Section 11730.3(a).

Further, a hearing was held on the unfair labor practice charges in the related consolidated unfair labor practice case (04–CA–146362 et al.). On April 5, 2016, Administrative Law Judge Arthur J. Amchan issued his decision, and on November 30, 2016, the Board issued a de-

cision adopting, in the absence of exceptions, the judge’s findings that the Respondent violated Section 8(a)(1) of the Act when its agents Jon Buress and Dan Bryan solicited employees Mary Jo Halpin, Cassandra Morton, and Henry Waugh to sign a decertification petition; solicited employee grievances and promised to remedy them if employees abandoned their support for the Union; told employees that no changes in working conditions would be made unless either employees got rid of the Union or a collective-bargaining agreement was signed; interrogated employees concerning their support for the Union; and threatened employees by suggesting that it was futile to continue supporting the Union because contract negotiations could go on a very long time. *CPL (Linwood) LLC d/b/a Linwood Care Center* and its successor *201 New Road Operations, LLC d/b/a Linwood Care Center*, 364 NLRB No. 154, slip op. at 1, fn. 1 (2016).<sup>2</sup>

The unfair labor practices, as stated above, involved the circumstances surrounding the petition and directly affected the petition, and thus, the Employer cannot establish a good-faith reasonable uncertainty regarding the Union’s majority status, the objective considerations needed to support a RM petition. See CHM Section 11042. Accordingly we find that dismissal of the petition is warranted. *Id.*<sup>3</sup>

We find it unnecessary to address the allegations of the Regional Director’s bias raised in the Employer’s supplement because a hearing has been held on the unfair labor practice allegations set forth above and an administrative law judge has found merit to those allegations. Further, as stated above, the Board has adopted the judge’s findings in the absence of exceptions, and we have found that those unfair labor practices warrant dismissal of the petition.

**ORDER**

The petition is dismissed.

Dated, Washington, D.C. January 23, 2017

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Mark Gaston Pearce, Chairman

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Philip A. Miscimarra, Member

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<sup>1</sup> Pursuant to the answer of the Employer and Successor 201 New Road Operations, LLC d/b/a Linwood Care Center to the Board’s July 28, 2016 notice to show cause, we have added the Successor as an employer/petitioner in interest.

<sup>2</sup> The Board severed and retained for further consideration the remaining allegations which have been excepted either by the General Counsel or the Respondent. *Id.*

<sup>3</sup> Therefore, we also find that the Employer’s request for a ruling on whether the petition is subject to reinstatement, if appropriate, after final disposition of the unfair labor practice proceedings is now moot.

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Lauren McFerran, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD